

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ALEX M MITCHELL

CIVIL ACTION NO. 22-cv-5681

VERSUS

CHIEF JUDGE HICKS

LOUISIANA STATE UNIVERSITY IN
SHREVEPORT ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Alex Mitchell (“Plaintiff”), who is self-represented, filed this civil action to complain of employment discrimination. Plaintiff used a complaint form provided by the court. He listed only Louisiana State University Shreveport in the caption as a defendant, but in the part of the complaint for a list of defendants he also listed Bill Wolfe and Carlton (Trey) Jones. Plaintiff checked boxes to indicate that he was bringing his action pursuant to Title VII based on retaliation and discrimination based on race and color allegedly committed between July 2019 and November 2020.

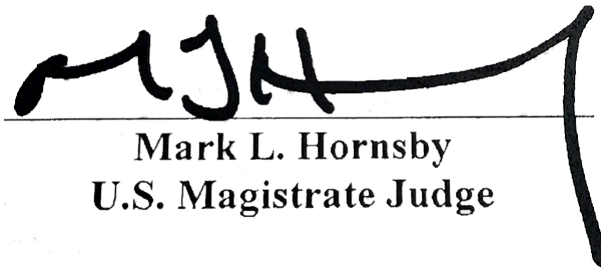
The form instructed Plaintiff to write a short and plain statement of the claim. The directions were for Plaintiff to state as briefly as possible the facts showing that Plaintiff is entitled to damages or other relief, and state how each defendant is involved and what they did that caused Plaintiff harm or violated Plaintiff’s rights, including the dates and places of the involvement or conduct. The form directed Plaintiff to attach a copy of the EEOC Notice of Right to Sue letter. Plaintiff did not provide a copy of the notice or any of the required factual information, so there were no facts presented to determine whether Plaintiff has a plausible cause of action against any defendant.

Plaintiff will be allowed until **December 5, 2022** to file an amended complaint and comply with the short and plain statement requirement discussed above, and as set forth in the instructions for Paragraph III of the original form complaint. Plaintiff should attach to the amended complaint a copy of the EEOC right to sue letter.

Plaintiff has named as defendants two individuals (Wolfe and Jones), but he should keep in mind that there is no individual liability for employees, including coworkers and supervisors, under Title VII. Smith v. Amedisys, Inc., 298 F.3d 434, 448 (5th Cir. 2002); Hendricks v. PRIDE Indus. Inc., 2022 WL 602191 (W.D. La. 2022). That is because the statute imposes liability only on an “employer” as defined by 42 U.S.C. § 2000e(b). Plaintiff should thus consider whether there is an actual basis for a Title VII claim against Wolfe or Jones, who are likely merely coworkers or supervisors and not the actual employers of Plaintiff. If there is no basis for a claim against those defendants, Plaintiff should omit them as defendants in any amended complaint.

The court will review the case after the deadline for Plaintiff to file an amended complaint and determine the next appropriate steps.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 15th day of November, 2022.



Mark L. Hornsby
U.S. Magistrate Judge